

STATE OF MAINE
KENNEBEC, ss.

DISTRICT COURT
LOCATION - AUGUSTA
CIVIL ACTION
DOCKET NO. RE-16-64

THE BANK OF NEW YORK MELLON, AS
TRUSTEE FOR CDC MORTGAGE CAPITAL
TRUST 2004-HE3,

PLAINTIFF

v.

AEGIS LENDING CORPORATION, and/or the
Heirs and/or successors of it, and anyone
claiming by, through, or under it, and the legal
heirs, representatives, devisees, assigns, trustees
in bankruptcy, disseizors, creditors, lienors and
any and all other persons unascertained or not in
being or unknown or out of this state and all
other persons who may claim any right, title,
interest, or estate, legal or equitable, in the land
and real estate and mortgage through or under it,

DEFENDANTS

MORTGAGE ELECTRONIC REGISTRATION
SYSTEMS, INC.
and
ANDREW WARLICK,

PARTIES-IN-INTEREST

PROPERTY ADDRESS:
1558 Hallowell Road, Litchfield,
Kennebec County, Maine

MORTGAGE RECORDED IN:
Kennebec County Registry of Deeds
in Book 7992 at Page 180

**TITLE TO REAL ESTATE IS
INVOLVED**

CONSENTED TO JUDGMENT AND ORDER

This matter came before the Court on December 7, 2018. Plaintiff having appeared, Defendant Aegis Lending Corporation having not appeared, Party-In-Interest Mortgage Electronic Registration Systems, Inc. having not appeared, and Party-In-Interest Andrew Warlick having appeared personally and through counsel, Wenonah M. Wirick, Esq., and having consented to judgment, the Court finds as follows:

1. The Court finds that all parties have received notice of the proceeding in accordance with the applicable provisions of the Maine Rules of Civil Procedure and not via other Order of this Court.

AUGUSTA COURTS
DEC 21 '18 AM 9:58

EXHIBIT

I

It is HEREBY ORDERED

1. That DEFAULT is hereby entered with respect to Aegis Lending Corporation, and/or the heirs and/or successors of it, and anyone claiming by, through, or under it, and the legal heirs, representatives, devisees, assigns, trustees in bankruptcy, disseizors, creditors, lienors and any and all other persons unascertained or not in being or unknown or out of this state and all other persons who may claim any right, title, interest, or estate, legal or equitable, in the land and real estate and mortgage through or under, and Mortgage Electronic Registration Systems, Inc.
2. That a Declaratory Judgment is granted in Plaintiff's favor, vesting to Plaintiff any interest it does not currently hold such that it results in a full, complete, unsplintered legal title to the Mortgage.

It is FURTHER ORDERED, ADJUDGED, AND DECREED that the rights, status and legal relationship as follows:

3. That Plaintiff The Bank of New York Mellon as Trustee for CDC Mortgage Capital Trust 2004-HE3 holds full ownership interest in the Mortgage recorded in the Kennebec County Registry of Deeds in Book 7992 at Page 180 and that Plaintiff its successors and/or assigns are the mortgagee of the Mortgage for all purposes, including without limitation, 14 M.R.S. §6321 and § 6111 (as amended). A further description of the real estate involved in this matter is attached hereto as Exhibit B.
4. That Original Lender Aegis Lending Corporation and/or Aegis Lending Corporation and/or the heirs and/or successors of it, and anyone claiming by, through, or under it, and the legal heirs, representatives, devisees, assigns, trustees in bankruptcy, disseizors, creditors, lienors and any and all other persons unascertained or not in being or unknown or out of this state and all other persons who may claim any right, title, interest, or estate, legal or equitable, in the land and real estate and mortgage through or under it (hereinafter referred as to as the "Unknown Defendants"), and Mortgage Electronic Registration Systems, Inc. (hereinafter "MERS"), retain no interest not otherwise vested hereby;
5. That Original Lender Aegis Lending Corporation, the Unknown Defendants, and MERS having neither answered nor appeared, and thus having failed to show cause as of the date of entry hereof, if one or more of them fail to do so (show cause, or bring an action, or either, or both) prior to the statutory period for filing an appeal, that Original Lender, the Unknown Defendants, and MERS be forever barred from claiming any right, title or interest superior to or distinct from the party claiming to be current mortgagee of the Mortgage, other than the Landowner's (Andrew Warlick) equity of redemption as would be his when granting a mortgage as mortgagors to a mortgagee; and
6. That recordation of an attested copy of this Judgment and Order, in the applicable Kennebec County Registry of Deeds, shall have the force and effect as if any and all

necessary instruments were duly executed and recorded in said Registry, to effectuate such transfer and such status as aforesaid.

The following provisions are set forth pursuant to 14 M.R.S.A. § 2401:

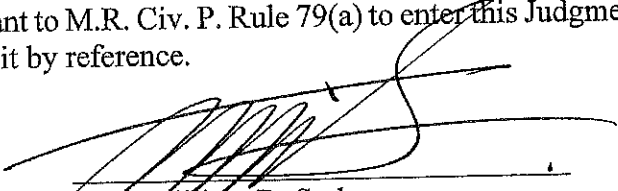
7. The names and addresses, if known, of all parties to the action, including the counsel of record (if any or known), are on Schedule A attached hereto.
8. The docket number is RE-16-64.
9. The street address of the real estate involved is 1558 Hallowell Road, Litchfield, Kennebec County, Maine.
10. The description of the real estate involved is on Schedule B attached hereto.
11. Plaintiff is responsible for recording the attested copy of the judgment and for paying the appropriate recording fees.

The Clerk is hereby directed to enter this Judgment as a final judgment pursuant to Rule 54(b)(1).

The Clerk is specifically directed pursuant to M.R. Civ. P. Rule 79(a) to enter this Judgment on the civil docket by a notation incorporating it by reference.

Date:

12-21-2018


Hon. William R. Stokes

Date entered in the docket book:

12/21/18

CERTIFICATION OF CLERK PURSUANT TO 14 M.R.S.A. § 2401(3)(F)

Pursuant to 14 M.R.S. § 2401(3)(F), it is hereby certified that no notice of appeal of the Judgment was filed with the Clerk of Court in this action within the appeal period following the entry of judgment.

Dated: _____, 2018

Clerk of Court

SCHEDULE A
To Judgment

Plaintiff:

The Bank of New York Mellon as
Trustee for CDC Mortgage Capital
Trust 2004-HE3
c/o Nationstar Mortgage, LLC d/b/a
Mr. Cooper
8950 Cypress Waters Blvd.
Coppell, TX 75019

Counsel:

Brock and Scott, PLLC
1080 Main Street, 200
Pawtucket, RI 02860

Defendant:

Aegis Lending Corporation
10049 North Reiger Road
Baton Rouge, LA 70809

Counsel:

None known

Defendant:

Aegis Lending Corporation, referred
to as the legal heirs, representatives,
devisees, assigns, trustees in
bankruptcy, disseizors, creditors,
lienors and any and all other persons
unascertained or not in being or
unknown or out of this state and all

other persons who may claim any
right, title, interest, or estate, legal or
equitable, in the hereafter described
land and real estate and mortgage
through or under it

Address:

in several different locations and/or
their whereabouts are not known at
this time

Counsel:

None known

Party in Interest:

Mortgage Electronic Registration
Systems, Inc.
P.O. Box 2026
Flint, MI 48501-2026

Counsel:

None known

Party in Interest:

Andrew Warlick
181 Sabattus Road
Sabattus, ME 04280

Counsel:

Conley & Wirick, P.A.
31 Union Street
Bath, ME 04530

SCHEDULE B
Description of the Real Estate

A certain lot or parcel of land, together with the buildings thereon, situated in Litchfield, County of Kennebec and State of Maine, bounded and described as follows:

Commencing on the easterly side of the road leading from Purgatory Mills to Litchfield Corner at the southwest corner of land now or formerly of Eliot A. Mason and Eunice E. Mason; thence easterly one hundred fifty (150) feet, more or less, to a stake; which has been driven, forming a new southerly boundary of the land now or formerly of Eliot A. Mason and Eunice E. Mason; thence southerly one hundred (100) feet, more or less, to land formerly of one Thurston and now or formerly of Ralph Farrington, forming a new westerly boundary of the land now or formerly of Eliot A. Mason and Eunice E. Mason; thence westerly one hundred fifty feet (150), more or less, to the said road; thence along said road one hundred (100) feet, more or less, to the point of beginning. Meaning and intending to convey a parcel of land one hundred fifty (150) feet, more or less, by one hundred (100) feet, more or less.

Any and all other rights, easements, privileges and appurtenances belonging to the granted estate are hereby conveyed.

Being the same premises as described in the deed from Harold J. Shields and Donald W. Babbie to Andrew P. Warlick dated October 3, 2002 and recorded in Kennebec County Registry of Deeds, Book 7089 Page 286.